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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/812,252      | 03/29/2004  | John W. Rohrer       |                     | 2743             |

7590 08/01/2006

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EXAMINER

BLAU, STEPHEN LUTHER

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3711

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/812,252

Applicant(s)

ROHRER, JOHN W.

Examiner

Stephen L. Blau

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/2/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Request for Continued Examination (RCE)***

1. The request filed on 8 March 2006 for a Request for Continued Examination (RCE) under 37 CFR 1.53(d) based on parent Application No. 10/812,252 is acceptable and a RCE has been established. An action on the RCE follows.

### ***Specification***

2. The substitute specification and abstract dated 5 June 2006 have been approved.
3. The changes to the disclosure with respect to page one of the specification and the terms "rearward hosel extension" throughout the specification is agreed with and the objections are removed.
4. The disclosure is objected to because of the following informalities:
  - a. Reference number 10 is referred to as the "rearward extending sight line" and the (page 7 line 22) and horizontal plane upper surface (page 8, lines 6-7 and 9). One reference number cannot have two different part names. It causes confusion.

b. Reference number 11 for the "protrusion" (page 8 line 3) is not shown in the drawings. It appears that the item referred to as reference number "10" in the drawings next to the item referred to as reference number "9" should be reference number "11".

Appropriate correction is required.

### ***Drawings***

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because

a. Reference character "10" has been used to designate both the rearward sightline in figures 1-2 and what appears to be maybe a male hosel in figures 1-2. In figure 3 it is uncertain what the component is referred to as reference number 10 next to reference number 9.

b. Reference number "5" has been designated both the hosel socket in figures 5-6 yet it appears to be referring to the shaft in figures 1 and 4. The examiner does not know what is the shaft and what is the socket in the drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the

changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the hosel connects via a shaft connecting hosel section with a socket in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Figure 6 shows what appears to be a socket yet it is referred to as reference number 5 which is the shaft.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3, and 5-6 are indefinite in that they claim "said shaft connecting hosel section with connecting means or bent shaft section" yet the claim these claims depends on (Claim 1) already claimed a hosel. A hosel in the dictionary is defined as a socket in the head. Figures 6-7 clearly show this. The art of golf further has introduced a male hosel (rod) as oppose to a female hosel (socket) which is now an acceptable design for a hosel. If a shaft is connected to a head directly whether it is a straight shaft or bent shaft with no female hosel (Socket) or male hosel (rod) than a head has no hosel. It appears with the wording in claims 3 and 5-6 that this hosel-less feature is trying to be claimed by introducing a bent shaft section. However throughout claim 1 a hosel is claimed (line 1) so claims 3 and 5-6 cannot introduce structure (bent shaft attached directly to an extension from the top of a head) which would eliminate structure of a hosel already claimed in claim 1. If a structure is already definitively claimed in an independent claim it cannot be taken out in a dependent claim.

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Claim 1 is indefinite in that the courts have decided that the word "similar" is indefinite and this word is used in lines 15 and 22. What is similar to one may not be what is similar to another. Replacing the word "similar" by the words -- substantially the same -- would removed this rejection.

### ***Allowable Subject Matter***

9. Claims 1-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. None of the prior art discloses or renders as obvious a putterhead having a hosel, a forward extending hosel section extending upward from the top of a strike face and then horizontally forward and not substantially rearward in a vertical plane, a shaft connecting hosel section with a socket or other connecting means to a player side of a forward extending hosel section, an unobstructed sight or aim line toward a target, a rearward putterhead extension being in the same vertical plane as the forward extending hosel section, a rearward putterhead extension from a putter face a distance of at least twice a hosel sight line in addition to the other elements of structure claimed.

### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pierman, Colucci and Pegg disclose rearward extensions.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Blau whose telephone number is (571) 272-4406. The examiner can normally be reached on Mon - Fri 10:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb/ 26 July 2006



**STEPHEN BLAU**  
**PRIMARY EXAMINER**